

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

REMARKS

Applicant has carefully reviewed the final Office Action mailed August 4, 2005 and thanks Examiner Lorence for pointing out the informalities in the specification and claims. The specification and claims 1 – 20 were rejected as failing to comply with the written description requirement. Claims 10, 12, 13, and 15 have been rejected under §102(b). Claims 1 - 16 have been rejected under §103(a). Claim 17 has been amended in response to a §112 antecedent basis objection. Independent claims 1, 9, 10, and 17 have been amended to further articulate the claimed invention. Accordingly, claims 1 – 20 remain pending in this application. Applicant requests reconsideration of the pending claims in view of the above amendment and the following remarks.

1. Claims 1 – 20 have been rejected under 35 U.S.C. §112, first paragraph

Claims 1 – 20 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner does not see where the originally filed disclosure provides support for the added limitation in each of claims 1, 9, 10, and 17, which recites that “an outward force applied to said retention flange [68] is transmitted through said retention flange [68] and bypasses a corresponding support shaft [60]” (*element numbers added*).

Applicant has amended claims 1, 9, 10, and 17 to recite “whereby an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load.” Applicant has made the changes to address the Examiner’s concerns.

Applicant asserts that the support for this amendment is found in both the drawings and the specification. Specifically, paragraph [005] states: “A retention flange [68] is formed at one end [62] of the bearing support shaft [60] to hold the bearing element [58] in the proper position and to protect the bearing [58] from end loading” (*element numbers added*). FIG. 3 shows a retention flange 68 of a bearing support shaft 60 held at one end 62 protecting a bearing 58 from an end loading as stated in paragraph [0005]. Furthermore, it can also be understood that by

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

looking at FIG. 3, one skilled in the art would understand that when an end load is applied to the retention flange 68, it "is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load."

A. The Applicant is not required to disclose every last detail

The Federal Circuit in *In Re Oeteker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992) held that the Examiner has the burden of showing that the application is nonenabling. Furthermore, the enablement requirement does not require the Applicant to disclose the invention in a manner that can be understood by a child. For example, the CCPA has stated that "[n]ot every last detail is to be described, else patent specification would turn into production specification, which they were never intended to be." *In re Hay*, 309 F.2d 769, 135 USPQ 311, 316 (C.C.P.A. 1962).

The person of ordinary skill is fictitious. As stated by the Federal Circuit, "[w]ith the involved facts determined, the decision maker confronts a ghost, i.e., 'a person having ordinary skill in the art,' not unlike the 'reasonable man' and other ghosts in the law." *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir.), cert. denied, 481 U.S. 1052 (1987). Specifications "need only to be reasonable with respect to the art involved; they need not inform the layman nor disclose what the skilled already possess. They need not describe the conventional... The intricacies need not be detailed ad absurdum." *General Elec. Co. v. Brenner*, 407 F.2d 1258, 159 USPQ 335, 337 (D.C. Cir. 1968). The question is whether the disclosure is sufficient to enable those skilled in the art to practice the claimed invention, hence the specification need not disclose what is well known in the art." *Lindemann Manschinenfabrik GmbH b. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984).

Thus, Applicant asserts that a person of ordinary skill in the art understands that "end loading" as disclosed in the application includes "an end load" applied to the retention flange as claimed in amended independent claims 1, 9, 10, and 17.

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

B. FIG. 3 provides support for the added limitation

By looking at FIG. 3, one skilled in the art would understand that when an end load is applied to the retention flange 68, it "is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load." as claimed.

The enablement requirement under Section 112, first paragraph, does not require that the application contain written words explaining how to make and use the invention. Rather, the drawings alone may be sufficient. *In re Wolfensperger*, 302 F.2d 950, 133 USPQ 537 (C.C.P.A. 1962). Significantly, the CCPA added that "it does not seem, under established procedure of long standing, approved by this court, to be of any legal significance whether the disclosure is found in the specification or in the drawings so long as it is there." *Id.*, 133 USPQ at 542. Thus, *Wolfensperger* instructs that drawings alone may be sufficient for enablement.

Applicant asserts that FIG. 3 discloses to a person skilled in the art in combination with paragraph [005] that states: "A retention flange [68] is formed at one end [62] of the bearing support shaft [60] to hold the bearing element [58] in the proper position and to protect the bearing [58] from end loading" (*element numbers added*), that when a force is applied to the retention flange 68, it "is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load." as claimed.

For at least these reasons, independent claims 1, 9, 10, and 17 are patentable over the cited reference. Withdrawal of the rejection is respectfully requested. Dependent claims 2 – 8 are patentable by virtue of their dependency on patentable claim 1. Dependent claims 11 – 16 are patentable by virtue of their dependency on patentable claim 10. Dependent claims 18 – 20 are patentable by virtue of their dependency on patentable claim 17. However, the dependent claims also contain additional limitations that are independently patentable. Withdrawal of the rejection is respectfully requested.

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

II. Rejection of claims 10, 12, 13, and 15 under 35 U.S.C. §102 (b)

Claims 10, 12, 13, and 15, have been rejected under 35 U.S.C. §102 (b) as being anticipated by McAdams et al. (U.S. Patent No. 1,966,100). The rejection is respectfully traversed.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant claims "A clutch release yoke for a driveline clutch comprising: a bridge section hinged to rotate with respect to a clutch housing; a plurality of forks extending from said bridge section; a plurality of respective bearing support shafts attached to an inboard side of said forks; a plurality of respective bearing elements disposed on said bearing support shafts, said support shafts having a respective retention flange formed on an end opposite to said inboard side of said fork; and whereby an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load." *See amended claim 10 (emphasis added)*.

The Examiner has not cited every element of the claim in rejecting independent claim 10 under 35 U.S.C. §102(b), since the reference must teach every element of the claim. As cited above, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Thus, the rejection is improper. The Examiner has explicitly not cited: "whereby an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load."

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

Specifically, independent claim 10 is directed to a plurality of respective bearing support shafts attached to an inboard side of the forks, the bearing support "whereby an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load." Moreover, the claimed invention "protects the bearing element from undesirable end loading." *See Application at page 5, para. 27.*

McAdams teaches that each threaded bolt extends through an opening in the fork section 33 and is held in place by a nut and pin disposed on an outboard side of the forks as best seen in Fig. 1. McAdams does not teach, suggest, or contemplate having the bearing support shaft attached to an interior surface of an opening in the fork as claimed by the Applicant. Moreover, McAdams teachings do not contemplate protecting the bearing element from undesirable end loading as disclosed by the Applicant.

For at least these reasons, independent claim 10 is patentable over the cited references. Withdrawal of the rejection is respectfully requested. Dependent claims 12, 13, and 15 are patentable by virtue of their dependency on patentable claim 10. However, the dependent claims also contain additional limitations that are independently patentable. Withdrawal of the rejection is respectfully requested.

III. Rejection of claims 13 – 15 under 35 U.S.C. §103 (a)

Claims 13 – 15 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over McAdams et al. (U.S. Patent No. 1,966,100) in view of Spase (U.S. Patent No. 2,354,621). The rejection is respectfully traversed.

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

MPEP Section 2143 sets forth the basic requirements for the Patent and Trademark Office to establish *prima facie* obviousness as follows: "To establish a *prima facie case* of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

A patent claim is obvious, and thus invalid, when the differences between the claimed invention and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. § 103; *see also Graham v. John Deere Co.*, 383 U.S. 1, 14, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966); *In re Dembicza*k, 175 F.3d 994, 998 (Fed. Cir. 1999). While obviousness is ultimately a legal determination, it is based on several underlying issues of fact, namely: (1) the scope and content of the prior art; (2) the level of skill of a person of ordinary skill in the art; (3) the differences between the claimed invention and the teachings of the prior art; and (4) the extent of any objective indicia of non-obviousness. *See Graham*, 383 U.S. at 17-18. When obviousness is based on the teachings of multiple prior art references, the Examiner must also establish some "suggestion, teaching, or motivation" that would have lead a person of ordinary skill in the art to combine the relevant prior art teachings in the manner claimed. *See Tec Air, Inc. v. Denso Mfg. Mich. Inc.*, 192 F.3d 1353, 1359-60 (Fed. Cir. 1999); *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1572 (Fed. Cir. 1996). The Applicant may rebut a *prima facie* showing of obviousness with evidence refuting the Examiner's case or with other objective evidence of nonobviousness. *See WMS Gaming, Inc. v. Int'l Game Tech.*, 184 F.3d 1339, 1359 (Fed. Cir. 1999).

"The reason, suggestion, or motivation to combine [prior art references] may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references, are of special interest, or importance in the field; or 3) from the nature of the problem to be solved, 'leading inventors to look to references relating to possible solutions to that problem.'" *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 665 (Fed.Cir. 2000) (quoting *Pro-Mold*, 75 F.3d at 1572). "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for showing of the teaching or motivation to combine prior art references." *Dembicza*k, 175 F.3d at 999; *see also Ruiz*, 234

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

F.3d at 665 (explaining that the temptation to engage in impermissible hindsight is especially strong with seemingly simple mechanical inventions). This is because “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” *Dembiczak*, 175 F.3d at 999. Therefore, we have consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination *in the manner claimed.*” (emphasis added)); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor, and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination *in the manner claimed.*” (emphasis added)).

Moreover, it is established law that one “cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *Ecolochem, Inc. v. Southern Cal. Edison Co.*, 227 F.3d 1361, 1371, 56 USPQ2d 1065 (Fed. Cir. 2000) (citing *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1780, 1783 (Fed. Cir. 1988)).

In this case, the Examiner has not explained why a person of ordinary skill in the art would have found it obvious to combine the references in the manner proposed by the Examiner. In particular, the Examiner noted that neither reference specifically recognized the advantages discussed in Applicant’s application. The Examiner stated that “it is believed that one having ordinary skill in the art at the time of the invention was made would recognize that by mounting the bearing elements on the forks via a roller or needle bearing the amount of friction generated between the bearing element and the support shaft would be reduced leading to the desirable result of decreased wear.” This assertion, however, is not supported by law. The Examiner must produce a reason, suggestion, or motivation to combine prior art references in the references.

To the extent the Examiner intends to take Official Notice that mounting roller or needle bearings around the support shaft is known including the limitations of independent claim

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

10, Applicant seasonably requests that the Examiner provide documentary evidence to support the taking of Official Notice as is required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

Furthermore, as stated above, independent claim 10 is patentable for the reasons discussed above. Thus, the claims that depend from claim 10 are also patentable. Further, dependent claims 13 – 15 are independently patentable over the prior art because the Examiner has not shown that McAdams contemplates or suggests using bearings such as roller bearings (claim 13) or needle bearings (claim 14) or that a flange covers the bearings (claim 15). Spase shows “objects” near the rollers 35 but doesn’t disclose what those “objects” are. The Examiner has no basis to assert that these are roller bearings, ball bearings, or needle bearings. There is nothing in the specification that describes what is near the rollers 35 and there are no clear views that show the “objects” or their disposition. Finally, there is nothing that states that these “objects” are inside the rollers. Moreover, the Examiner has not pointed to a specific reference that teaches protecting the bearing element from undesirable end loading.

For at least these reasons, dependent claims 13 – 15 are patentable by virtue of their dependency on patentable claim 10. However, the dependent claims also contain additional limitations that are independently patentable. Withdrawal of the rejection is respectfully requested.

IV. Rejection of claims 1 – 16 under 35 U.S.C. §103 (a)

Claims 1 – 16 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Lepard et al. (U.S. Patent No. 6,102,181) in view of McAdams et al. (U.S. Patent No. 1,966,100). The rejection is respectfully traversed.

The Examiner asserts that “since Lepard et al. and McAdams et al. are both from the same field of endeavor, one having ordinary skill in the art would recognize that the rollers 70 of Lepard could be mounted to the fork arms of the yoke in the manner shown by McAdams et al.” While the Examiner acknowledges that a specialized tool is required in the assembly of Lepard’s device, he suggests that it would have been obvious to use commonly found tools such as wrenches and screwdrivers instead of the specialized tool “since the threaded nut and bolt employed by

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

McAdams et al. require only tools such as wrenches and screwdrivers." See *Office Action* February 23, 2005, page 6, lines 11 – 19.

A. Neither McAdams nor Lepard teach or solve the end loading problem

Independent claims 1, 9, 10, and 17 recite that "an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load." Specifically, the application teaches that the roller assembly 54 "protects the bearing element from undesirable end loading." See *Application at page 5, para. 27*. Therefore, the claimed invention teaches away from McAdams. In view of the amendments, withdrawal of the rejection is respectfully requested.

A problem with the prior art roller assemblies is that they exhibit premature failure from end loading. The invention provides a solution to the end loading problem by providing a retention flange formed at one end of the bearing support shaft to hold the bearing element in the proper position and to protect the bearing from end loading. See *Application at page 1, para. 4*. Furthermore, the assembly provides enhanced performance while simplifying and reducing cost since the bearing element can be held between the retention flange and the inner surface of the fork without requiring the ring 86. See *Application at page 2, para. 5*.

Lepard teaches a roller assembly having a ring 86 and bushings 82. The problem with the teaching in Lepard is that the bushings wear out prematurely due to the excessive end loading as stated above. This excessive end loading is not remedied by the teaching of McAdams. Applying McAdams to the problem does nothing to overcome the end loading problem. The bolt and nut combination in McAdams creates a binding condition that causes the rollers lock to the body of the fork. Furthermore, the bolt and nut combination in McAdams may result in a binding condition as a result of over tightening the nut and bolt combination causing the rollers to lock to the body of the fork. This zero tolerance clearance between the rollers 34 and the yoke 33 causes the rollers not to rotate resulting in a failure condition. Moreover, there is nothing disclosed in McAdams that prevents an over tightening condition. Fig. 2 shows a dashed line on rollers 34 indicating an inner diameter of the bearing and nothing in the specification discloses anything to the contrary. Therefore, the outwardly directed operational forces applied to the bearings in both McAdams and Lepard result in binding conditions and failure from end loading. In contrast, the Applicant has a

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

bearing protected from outwardly directed operational forces by providing a novel flange and pin combination that protects the bearing from end loading and prevents binding between the bearing and the fork. Accordingly, withdrawal of the rejection is respectfully requested.

B. The rollers are not mounted to the forks in a manner shown by McAdams

The support shafts are attached on an inboard side of the forks and “between flange 68 and an inner surface 70 of arm 52 adjacent to opening 64.” *See Application at page 5, para. 23.* The independent claims 1, 9, 10, and 17 state that that “an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load.” Specifically, the application teaches that the roller assembly 54 “protects the bearing element from undesirable end loading.” *See Application at page 5, para. 27.* The support shafts are not “mounted to the fork arms of the yoke in the manner shown by McAdams” as asserted by the Examiner. Moreover, McAdams shows each threaded bolt extending through an opening in the fork section 33 and being held in place by a nut and pin disposed on an outboard side of the forks as best seen in Fig. 1. The bearing support shafts are not attached to the forks by a nut and a pin disposed at the end of the support shaft as taught by McAdams. Neither Lepard nor McAdams teach, suggest, or contemplate that “an end load applied to said retention flange is transmitted through said retention flange and through a corresponding support shaft, bypassing said bearing elements such that said bearing elements are protected from said end load” as claimed by the Applicant. Neither McAdams nor Lepard teach, suggest, or contemplate this limitation. Accordingly, for at least these reasons, withdrawal of the rejection is respectfully requested.

V. Examiner’s Response to Arguments

Regarding claims 1 – 16 rejected under 35 U.S.C. §103(a), Applicant argued that “McAdams teachings do not contemplate protecting the bearing element from undesirable end loading” in a Response to Non-Final Office Action dated June 21, 2005. The Examiner responded that “[i]nasmuch as the protection of the bearing from undesirable end loading results from having a retention flange of the bearing support shaft it is believed that this limitation is inherently present in the device of McAdams where the head of the bolt is equivalent to applicant’s retention flange.” *See Office Action page 6, lines 2 – 5.*

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

First, as discussed above, McAdams teaches that each threaded bolt extends through an opening in the fork section 33 and is held in place by a nut and pin disposed on an outboard side of the forks as best seen in Fig. 1. McAdams does not teach, suggest, or contemplate having the bearing support shaft attached to an interior surface of an opening in the fork as claimed by the Applicant. Moreover, McAdams teachings do not contemplate protecting the bearing element from undesirable end loading as disclosed by the Applicant.

A problem with the prior art roller assemblies is that they exhibit premature failure from end loading. The invention provides a solution to the end loading problem by providing a retention flange formed at one end of the bearing support shaft to hold the bearing element in the proper position and to protect the bearing from end loading. *See Application at page 1, para. 4.* Furthermore, the assembly provides enhanced performance while simplifying and reducing cost since the bearing element can be held between the retention flange and the inner surface of the fork without requiring the ring 86. *See Application at page 2, para. 5.*

Second, as shown by well settled law:

“Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for showing of the teaching or motivation to combine prior art references.” *Dembiczak*, 175 F.3d at 999 (emphasis added); see also *Ruiz*, 234 F.3d at 665 (explaining that the temptation to engage in impermissible hindsight is especially strong with seemingly simple mechanical inventions). This is because “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” *Dembiczak*, 175 F.3d at 999. Therefore, we have consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed.Cir. 2000)

There is no showing of a teaching or motivation to combine prior art references. Moreover, there is no documentary evidence to support the taking of any Official Notice as required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

Application No. 10/728,283  
After Final Office Action of August 4, 2005

Docket No.: 65857-0118

Regarding the rejection of claims 13 – 15 as being unpatentable of McAdams et al. '100 in view of Space '621, the Examiner "believes that the showing in Figure 1 taken along with the description of the roller as an 'anti-friction roller' (page 2, left-hand column, lines 9-10) would suggest to one having ordinary skill in the art that the roller 35 is mounted on the yoke via rolling elements" (emphasis added). It is respectfully submitted that this is merely speculation as to the disclosure in supporting the rejection. Again, this is not the law as stated above. Moreover, no documentary evidence has been provided to support the taking of any Official Notice as required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

VI. Conclusion

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes that no fee is due with this response. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman & Grauer PLLC under Order No. 65857-0118. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: October 4, 2005

Respectfully submitted,

By Michael A. Stewart

Michael Stewart  
Registration No.: 36,018  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward Avenue  
Suite 140  
Bloomfield Hills, Michigan 48304  
(248) 594 - 0633  
Attorney for Applicant

R0314925